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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
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November 5, 2024

Ron Danz
Montlake Apartments, LLC.
117 East Louisa Street, #185
Seattle, Washington 98102
(Ron@nwcrei.com)

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:

Site name: Montlake Apartments
Site address: 2300 24th Avenue East, Seattle, Washington 98112
Facility/Site ID: 99998923
Cleanup Site ID: 16924
VCP Project No.: NW3386

Dear Ron Danz:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the work planned at the Montlake Apartments facility (Site) under the Voluntary Cleanup Program (VCP). This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.¹

Issue Presented and Opinion

Does the proposed *Draft Work Plan – Montlake Apartments Supplement Remedial Investigation*, dated August 21, 2024 (2024 *Work Plan*), meet the stated objectives with respect to Site data gaps?

YES. Ecology has determined that proposed work meets the stated objectives with respect to Site data gaps.

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Site Description

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethylene (PCE) in soil and groundwater.

Enclosure A includes a Site description, history, and diagrams.

Please note three cleanup facilities are located in the immediate vicinity of the parcel of the real property associated with this Site (Property). These facilities include:

- Circle K 1461 facility (Facility Site ID number 2322) located immediately north of the Property.
- Mason Apartments facility (Facility Site ID number 7909) located immediately south of the Property.
- Montlake Cleaners facility (Facility Site ID number 14643) located west of the Property, across 24th Avenue East.

At this time, Ecology has no information indicating that contamination from these facilities affects the Property. This opinion does not apply to any contamination associated with these three facilities mentioned.

Basis for the Opinion

Ecology bases this opinion on the information contained in the following documents:

- Robinson Noble/Terraphase Engineering, Inc., *Montlake Apartments Initial Remedial Investigation*, November 2, 2023.
- Ecology, *VCP Technical Assistance Email, Montlake Apartments, NW3386*, April 25, 2024.
- Terraphase Engineering, Inc., *Draft Work Plan – Montlake Apartments Supplemental Remedial Investigation*, August 21, 2024.

You can request these documents by filing a [records request](#).² For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check if the documents are available on the [Site webpage](#).³

This opinion is void if information in any of the listed documents is materially false or misleading.

² <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

³ <https://apps.ecology.wa.gov/cleanupsearch/site/16924>

Analysis and Opinion

Based on a review of the initial remedial investigation (RI) data and the *2024 Work Plan*, Ecology has determined that the proposed work included in the *2024 Work Plan* meets the objectives of resolving the data gaps associated with vapor intrusion pathway on Property, and delineation of the lateral extents of contaminated soil and the groundwater contaminant plume.

Ecology has the following comments regarding the *2024 Work Plan*:

- Ecology concurs with installing vapor pins in the basements of west and east portions of the Site building and collecting sub-slab soil vapor samples. Please provide a map of the proposed vapor pin locations to Ecology, including a map showing the extent of the basement on the Property. As stated in Ecology's *Technical Assistance* email on April 25, 2024, the storage room of the west portion and the laundry room of the east portion of the building should be the priority locations for sub-slab soil gas sampling.
- Ecology concurs with the current nine proposed monitoring well locations. These well locations may be adjusted after the initial round of groundwater sampling using existing monitoring well network. Please work with Ecology after the initial round of groundwater sampling to determine the final proposed monitoring well locations.

Please note, the objective of *2024 Work Plan* is to resolve the data gaps that are identified in the current stage of RI. The additional data collected during the implementation of the *2024 Work Plan* should be used to determine if additional Site characterization work is needed.

Limitations of the Opinion

Opinion does not settle liability with the state

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion does not:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW [70A.305.040](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040)(4).⁴

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

Opinion does not constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine if the action you performed is substantially equivalent. Courts make that determination. See RCW [70A.305.080](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080)⁵ and WAC [173-340-545](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545).⁶

State is immune from liability

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW [70A.305.170](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170)(6).⁷

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/vcp. If you have any questions about this opinion, please contact me at 425-229-2565 or jing.song@ecy.wa.gov.

Sincerely,



Jing Song
Site Manager
Toxics Cleanup Program, NWRO

Enclosures (1): A – Site Description, History, and Diagrams

cc: Max Wills, Robinson Noble/Terraphase, (max.wills@terrphase.com)
 Erica Whiting, Robinson Noble/Terraphase, (erica.whiting@terrphase.com)
 NWRO VCP Coordinator, (vcp-nwro@ecy.wa.gov)

⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁶ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Enclosure A

Site Description, History, and Diagrams

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinion expressed in the body of the letter.

Site

The Site is defined by the nature and extent of tetrachloroethylene (PCE) released to soil and groundwater at 2300 24th Avenue East in Seattle (Property, **Figure 1**). The Property is located on the northeast corner of the intersection of 24th Avenue East and East Lynn Street. The Property consists of one King County parcel 6788201390 totaling 0.28 acres in size.

Area and Property Description

The Property is located in the Montlake neighborhood of Seattle just south of the University District and the Lake Washington Ship Canal. The Property is bounded by the following commercial or residential properties:

- **North:** A commercial property including a general store (Mont's Market) and a dry cleaner (Jay's Cleaners), with East McGraw Street beyond.

This north-adjacent commercial property is listed on the Contaminated Sites List (CSL) as Circle K 1461 facility (Facility Site ID number 2322). The property operated as a Circle K gas station from 1968 to mid-1990. Soil and groundwater at this facility is contaminated with petroleum hydrocarbons. Ecology supervises the cleanup of this facility under a consent decree.

- **South:** East Lynn Street, with a mixed-use commercial retail and multi-family residential building beyond.

The property that is occupied by the mixed-use building is listed on the CSL as Mason Apartments facility (Facility Site ID number 7909). This property operated as a Texaco gas station from 1927 to 1977. Soil and groundwater at this facility is contaminated with petroleum hydrocarbons. This facility is being cleaned up independently. The cleanup is reviewed by the Pollution Liability Insurance Agency (PLIA) under their Technical Assistance Program (TAP).

Another facility, Mobile 99MPB (Facility Site ID number 24792884) is located immediately south of the Mason Apartment facility. This facility received a Property No Further Action (NFA) determination in 2019. The NFA is conditioned on an environmental covenant.

- **East:** Single-family residences with 25th Avenue East beyond.
- **West:** 24th Avenue East with commercial properties (restaurants and retail shops) beyond.

One of the commercial properties, located northwest of the Property, operated as a dry cleaner (Montlake Cleaners) from 1966 to 1990. This property is listed on the CSL as

Montlake Cleaners facility (Facility Site ID number 14643). Soil and groundwater at this facility are contaminated with chlorinated volatile organic compounds (CVOCs). A soil vapor extraction (SVE) system operated at this facility since 2016 and through at least 2021.

The locations of these nearby facilities are depicted on **Figure 2**.

Property History and Current Use

The Property is currently developed with a U-shaped, two-story building that is constructed with wood, brick, and concrete. An unfinished basement is present beneath the xx portions of the building footprint. The building was originally constructed in 1914 and modified through 1936 into its current configuration. The building is occupied by the Montlake Apartments and several small retail stores, including a coffee shop, a hair salon, and an investment firm. The footprint of the building covers the majority of the Property with the exception of a central, open-air courtyard (**Figure 2**).

Historical directories indicate the Property has primarily been used for residential and retail land uses (i.e., a library, coffee shop, hair salon, and various office spaces). However, a business referred to as “Montlake Dye Works - Clothes Pressers and Cleaners” likely operated at the northwest portion of the Property in 1930. This business is listed as a historical dry cleaner. No additional information is currently available regarding this dry cleaner.

Sources of Contamination

CVOC contamination was discovered in soil and groundwater at the Property in a Phase II investigation in 2022. This CVOC contamination may be associated with the former dry cleaners on Property in 1930. It may also be related to the nearby facilities, including the Montlake Cleaners facility to the northwest, and the Jay’s Cleaners on the north-adjacent property. Additional investigations are needed to determine the source(s) of the contamination.

Physiographic Setting

The Property is situated at approximately 66 to 70 feet above mean sea level. Land surface in the immediate vicinity is generally flat, with a slope to the east and northeast towards Arboretum Creek and Lake Washington.

Surface/Storm Water System

The approximate distances to the closest surface water bodies are Arboretum Creek (0.2 miles east), a marshland attached to Union Bay/Lake Washington (0.3 miles northeast), the Montlake Cut/Lake Washington Ship Canal (0.5 miles north), and Portage Bay (0.3 miles northwest). Storm water on the Property flows to the Seattle Public Utilities drainage lateral on East Lynn Street and then to the King County main on 24th Avenue East.

Ecological Setting

Land surfaces on the Property and adjacent properties are primarily covered by buildings and asphalt or concrete pavement. The Site likely qualifies for an exclusion from further terrestrial ecological evaluation (TEE) per WAC 173-340-7491(1)(c), pending completion of the TEE form. There are less than 1.5 acres of contiguous undeveloped land on or within 500 feet of the Site.

Geology

Based on US Geological Survey's [Geologic Map of Seattle](https://pubs.usgs.gov/of/2005/1252/),¹ the surficial geologic unit at the Site is pre-Fraser glaciation deposits (Qpf), which includes interbedded sands, gravels, silts, and diamicts (poorly sorted deposits from upland erosion) of indeterminant age and origin. Qpf is locally divided into coarse-grained sand and gravel (Qpfc), and fine-grained silt and clay (Qpff).

Based on borings advanced at the Site, subsurface soils consist of a mixture of silts, sands, and gravels to depths ranging from 8 to 16 feet below ground surface (bgs). These strata are interpreted as reworked or disturbed Qpf (fill). Underneath the fill layer are layered silts, sands, and occasional gravels (Qpfc) to depths of 21 to 23 feet bgs. Dense silt (Qpff) is encountered underneath, to the total explored depth of 45 feet bgs.

Deeper borings were advanced to a total depth of 92 feet bgs in the Montlake Cleaners facility located west of the Site. Material encountered in these deeper borings indicate the dense silt layer extends to depths of approximately 80 feet bgs, underlain by a sequence of layered sands and organic silts that may represent the stratigraphically older Olympia Beds.

Groundwater

Five monitoring wells MW-1 through MW-5 are currently present at the Site (**Figure 3, Figure 4**). All monitoring wells are screened from 15 to 25 feet bgs. Groundwater has been measured in Site monitoring wells at depths of 12 to 13 feet bgs.

Based on the groundwater elevation measurements in Site monitoring wells, shallow groundwater flows to the west-southwest (**Figure 3**). However, groundwater elevation measurements in the north-adjacent Circle K 1461 facility indicated that groundwater flows generally to the southeast with variation to northeast. Groundwater elevation measurements in the south-adjacent Mason Apartments facility indicated that groundwater flows generally to the northeast. Additional evaluation is needed to determine the general groundwater flow directions at the Site and in the vicinity of the Site.

Deep monitoring wells installed in the nearby Montlake Cleaners facility indicate presence of a deeper groundwater-bearing layer at approximately 80 to 90 feet bgs. Groundwater elevations were measured in these deeper monitoring wells at approximately 35 to 45 feet bgs, indicating a confined condition in the deep zone and a vertical downward hydraulic gradient from the

¹ <https://pubs.usgs.gov/of/2005/1252/>

shallow zone to the deep zone. The predominant groundwater flow direction in the deep zone is unknown, but is likely to the east-northeast, towards Arboretum Creek and Lake Washington.

Water Supply

Drinking water for the Property is supplied by the City of Seattle, which is sourced primarily from the Cedar River watershed approximately 35 miles southeast of Seattle and the Tolt River watershed approximately 30 miles east of Seattle. The Property is located outside of the 10-year time of travel wellhead protection zone of all water supply wells.

Release and Extent of Contamination

In March 2022, four soil borings (B1 through B4) were advanced to a total depth of 15 feet bgs at the Site. Soil samples collected from all soil borings contained PCE concentrations above the MTCA Method A soil cleanup level from 10 to 15 feet bgs. Groundwater samples collected from the temporary wells installed in all soil borings contained PCE concentrations above the MTCA Method A groundwater cleanup level, with the highest concentration detected in boring B1.

In February 2023, five monitoring wells (MW-1 through MW-5) were advanced to total depths ranging from 30 to 45 feet bgs, with well screens installed between 15 and 25 feet bgs. PCE concentrations exceeded the MTCA Method A soil cleanup level in the soil samples collected at 15 feet bgs from well MW-1 and well MW-3. Groundwater samples collected from all five monitoring wells contained PCE concentrations above the MTCA Method A groundwater cleanup level, with the highest concentration detected in well MW-2. The degradation daughter products, including trichloroethylene, cis-1,2-dichloroethylene, and vinyl chloride, are currently below the MTCA Method A groundwater cleanup levels in all Site monitoring wells.

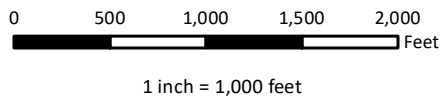
In addition, monitoring wells were installed by others on the nearby cleanup facilities, including the Circle K 1461 facility, Mason Apartments facility, and Montlake Cleaners facility. Among these off-Property monitoring wells, monitoring wells MW-1 and MW-3 for Montlake Cleaners facility are screened at the deep aquifer at approximately 80 to 90 feet bgs. All other off-Property monitoring wells are screened at the same shallow aquifer as Site monitoring wells.

All soil boring and monitoring well locations, including the wells installed for other cleanup facilities, are depicted on **Figure 4**.

Site Diagrams

Enclosure A:Figure 1

File: N:\GIS\Prj\W068.001_Montlake Apartments, LLC\MXD\20240617\Figure 1A - General Vicinity Map.mxd 6/18/2024 Created by: S.Low Coordinate System: NAD 1983 StatePlane Washington North FIPS 4601 Feet



Legend

- Focused Vicinity
 - Approximate Site Boundary
- Base Map: ESRI World Topographic Map
(data providers include HERE, Garmin, USGS, et al.)

SAFETY FIRST



CLIENT: Montlake Apartments, LLC

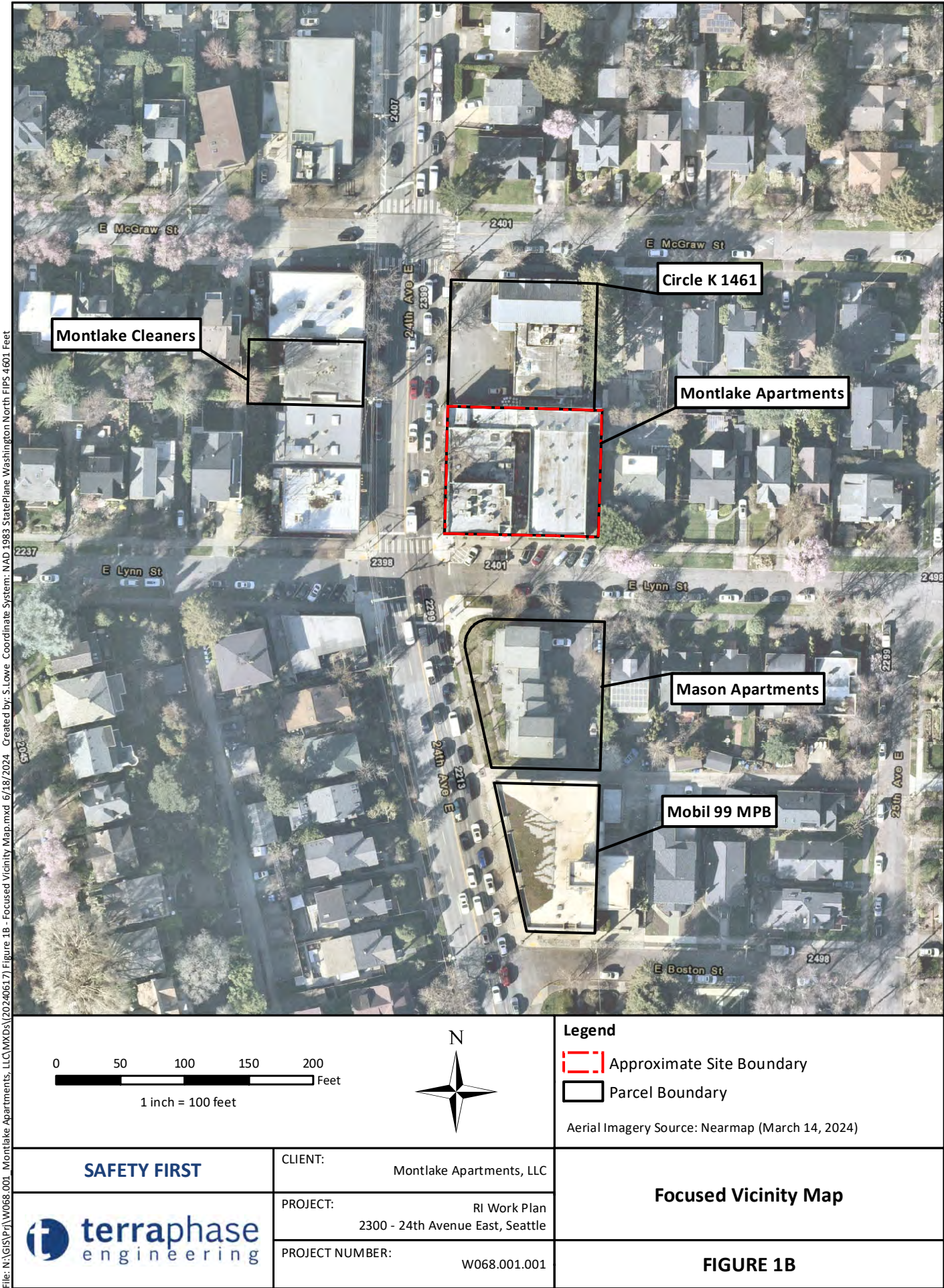
PROJECT: RI Work Plan
2300 - 24th Avenue East, Seattle

PROJECT NUMBER: W068.001.001

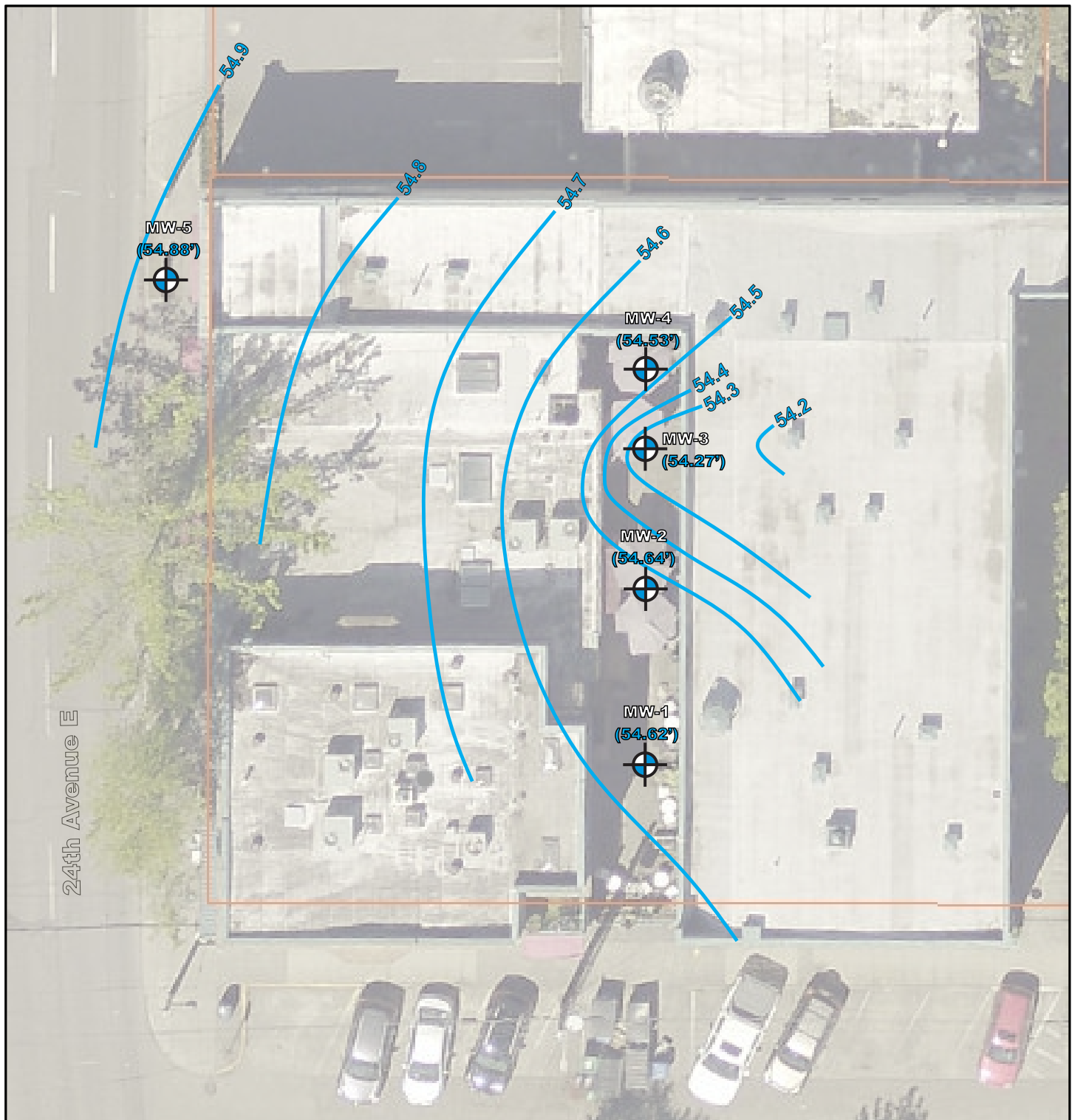
General Vicinity Map



FIGURE 1A

Enclosure A: Figure 2

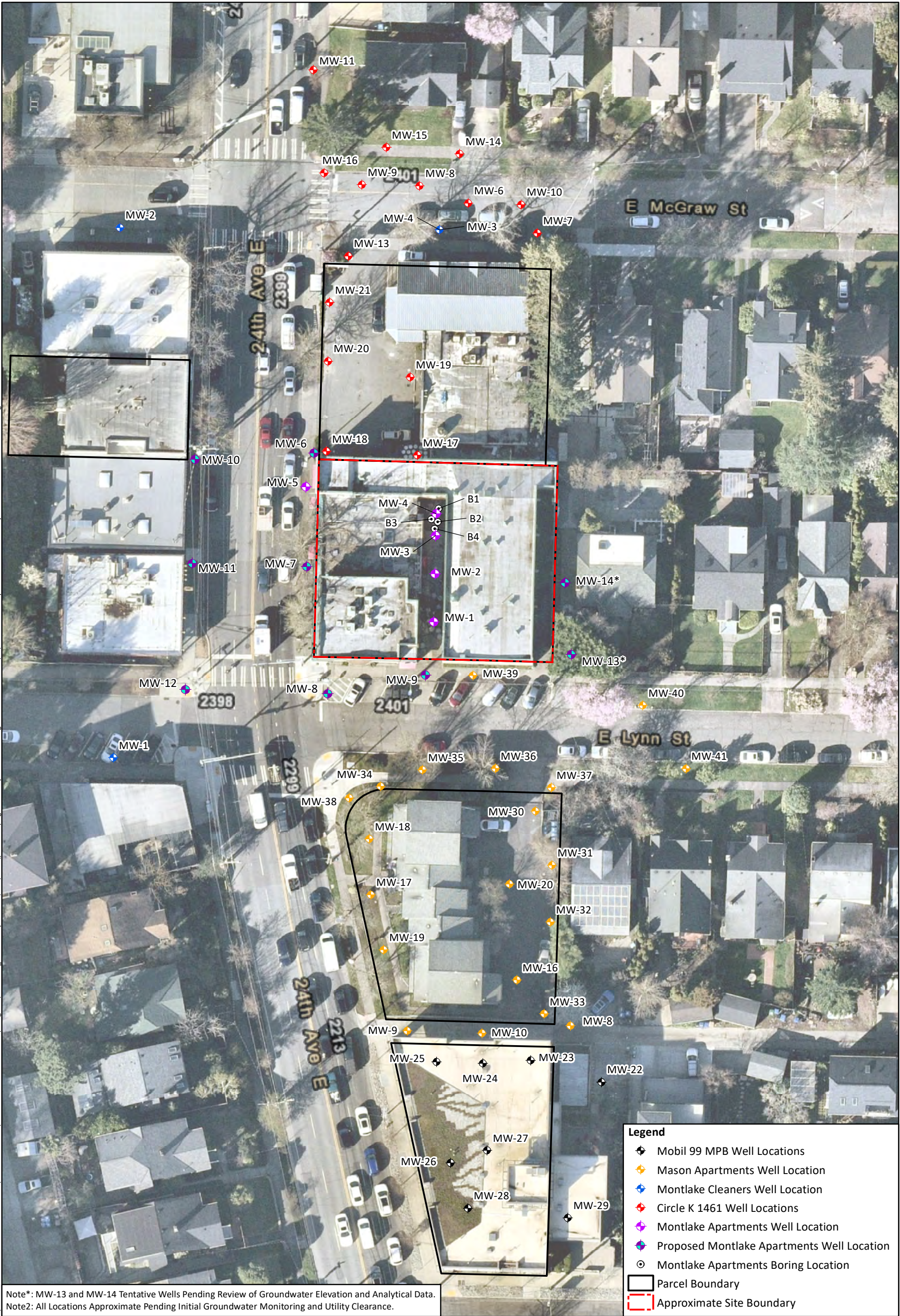


Enclosure A: Figure 3



<p>0 10 20 40 Feet</p> <p>1 inch = 20 feet</p> <p>Aerial Imagery Source: King County iMap (https://gismaps.kingcounty.gov/iMap/)</p>		<p>Legend</p> <p> Monitoring Well Location</p> <p>Water levels measured 2/22/2023</p>	
<p>SAFETY FIRST</p>		<p>CLIENT: Montlake Apartments, LLC</p>	
<p> ROBINSON NOBLE</p> <p>a terraphase company</p>		<p>PROJECT: Initial RI 2300 - 24th Avenue East, Seattle</p>	
<p>PROJECT NUMBER: W068.001.001</p>		<p>February 2023 Potentiometric Map</p>	
		<p>FIGURE 9</p>	

Enclosure A: Figure 4



<div><div><div></div><div>N</div></div><div><div>022.54567.590</div><div>Feet</div></div><div>1 inch = 45 feet</div><div>Aerial Imagery Source: Nearmap (March 14, 2024)</div></div>	SAFETY FIRST	CLIENT: Montlake Apartments, LLC	Proposed New Monitoring Well Locations
	<div><div><div>t</div><div>terr</div><div>phase</div><div>engineering</div></div></div>	PROJECT: RI Work Plan 2300 - 24th Avenue East, Seattle	
			PROJECT NUMBER: W068.001.001

File: T:\Projects\W068 - Ron Danz\W068.001.001 - 2300 24th Ave Montlake\Draft Deliverables\2024 Initial Draft RI Work Plan\02 Figures\W068.001 - Montlake Apartments, LLC\W068 (20240819) Figure 4 - Proposed Monitoring Well Locations.mxd 8/19/2024 Created by: daweller Coordinate System: NAD 1983 StatePlane Washington North FIPS 4601 Feet